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04 FC:1622 -110.00 OP

Docket No. R0042CON

AUG 11 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re Application of: Callas, et al.) Group Art Unit: 3731
Application No.: 10/705,652)
Filing Date: November 10, 2003) Examiner: Michael G. Mendoza
10 For: ENDOSCOPIC SURGICAL ACCESS PORT)
AND METHOD)
Mail Stop Amendment)
15 Commissioner for Patents)
P.O. Box 1450)
Alexandria, VA 22313-1450)

20 TERMINAL DISCLAIMER UNDER 37 CFR §1.321(a)

Petitioner, Origin Medsystems, Inc., a corporation of Delaware, having a principal place of business at 3200 Lakeside Drive, Bldg. B, 4th Floor, Santa Clara, CA 95054, in the County of Santa Clara and State of California, represents that it is the assignee of the entire right, title and
25 interest in and to the invention disclosed in the above-referenced U.S. Patent Application No. 10/705,652.

Petitioner also represents that it is the assignee of the entire right, title and interest in and to the invention disclosed in co-pending U.S. Patent No. 6,811,546, filed August 25, 2000. U.S.
30 Patent Application No. 10/705,652 is a continuation under 35 U.S.C. 120 of U.S. Patent No. 6,811,546, and the application and patent are commonly owned by Petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would
35 extend beyond the expiration date of U.S. Patent No. 6,811,546.